



Alan C. Lloyd, Ph.D.
Agency Secretary

California Regional Water Quality Control Board
North Coast Region
Beverly Wasson, Chairperson

<http://www.waterboards.ca.gov/northcoast>
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: 1 (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

July 28, 2005

Mr. Chris Peterson
Rivendale Homes
1160 N. Dutton Avenue, Suite 240
Santa Rosa, CA 95401

Dear Mr. Peterson:

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Rivendale Homes Slippery Rock Wetland Mitigation Bank Project

File: Slippery Rock Wetland Mitigation Bank Project, Rivendale Homes, WDID No. 1B04122WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). It is being issued in response to Rivendale Homes' August 25, 2004 request for a Clean Water Act, Section 401, Water Quality Certification.

On August 25, 2004, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Mr. Chris Peterson, on behalf of Rivendale Homes (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the creation of the Slippery Rock wetland mitigation site (Site) in Santa Rosa, Sonoma County. The Regional Water Board received a complete application and processing fee in the amount of \$500.00 on April 20, 2005. Information describing the proposed project was noticed for public comment for a 21-day period on the Regional Water Board's website. No comments were received. The proposed project will cause disturbances to the waters of the state within Russian River Hydrologic Unit No. 114.00, Middle Russian River Hydrologic Area No. 114.20, Santa Rosa Hydrologic Subarea No. 114.22.

Project Description: The project involves the creation of wetlands and vernal pools on a 38.06 acre site located in the western portion of the Santa Rosa Plain at 4434 Hall Road, between Irwin Lane and Fulton Road, and north of Occidental Road, Santa Rosa, Sonoma County, APN 130-010-053. The Site abuts the western boundary of the Wright Preservation Bank. Following restoration, construction, and enhancement, the percent wetland on the Slippery Rock Mitigation Site (including existing wetland habitat) would be approximately 30 percent. The purpose of the project is to create a network of

California Environmental Protection Agency

functional, high quality wetlands to serve as mitigation credits for local Rivendale Homes development projects.

The project affects 0.029 acres of seasonal wetland and channel deemed jurisdictional Waters of the U.S., as delineated by Dr. Laurence Stromberg, Wetlands Consultant, and verified by the Army Corps of Engineers in a letter dated March 18, 2005 (File No. 27763N). Sebastopol Meadowfoam and Lobb's Aquatic Buttercup are both present on site, and will be protected. These species will serve to enhance the overall wetland value of the Site.

Subject to the approval of the California Department of Fish and Game (CDFG) and the Fish and Wildlife Service (FWS), Slippery Rock LLC also intends to use the Slippery Rock Bank as a site into which California Tiger Salamander's (CTS) salvaged from development sites can be relocated. Use of the deeper vernal pools constructed to provide breeding habitat would be assessed by conducting larval surveys during winter and spring in accordance with the current FWS survey protocol established for the Sonoma distinct population segment of CTS. The adjacent Wright Preservation Bank has documented CTS breeding on site, and it is presumed that the Site is already serving as CTS rearing habitat. The addition of breeding habitat should greatly increase the value of the Site to CTS.

The project involves the placement of seven cubic feet of clean, imported fill into 0.029 acres of channel and wetland to eliminate artificial drainage features for the restored and constructed vernal pools and swales. A total of 8.17 acres of wetland will be present on-site upon completion of the project, 5.69 acres of created/restored wetlands and 2.48 acres of enhancement efforts. Wetlands presently existing on site total 5.549 acres and include swales and seasonal wetlands to include vernal pools and the like (4.981 acres); a defined drainage (0.302 acres); and shallow ditches (0.267 acres). All the proposed enhanced, restored, and created wetlands at Slippery Rock will be used as mitigation for impacts associated with Rivendale Homes Montage I and II projects. The applicant intends to utilize any excess credits, that may exist after Montage I and II are mitigated, to compensate for future projects, and does not intend to sell credits to outside buyers.

Receiving Water: Waters of the State within Russian River Hydrologic Unit No. 114.00, Middle Russian River Hydrologic Area No. 114.20, Santa Rosa Hydrologic Subarea No. 114.22

Filled or
Excavated Area: Total Area Impacted: 0.029 acres
Area Temporarily Impacted: 5.549 acres
Area Permanently Impacted: 0.029 acres

Current and future site conditions:
Existing wetland: 5.549 acres
Temporarily Impacted (Restored): 5.52 acres
Permanently Impacted (Not Restored): 0.029 acres
Onsite wetlands upon completion: 8.17 acres

Federal Permit: U.S. Army Corps of Engineers Nationwide permit #18—*Minor Discharges*—and #27—*Stream and Wetland Restoration Activities* (both pending, File No. 27763N)

CEQA Compliance: The Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has determined that this project qualifies for a categorical exemption Class 7 and 8 CCR 15307 and 15308—*Actions by Regulatory Agencies for Protection of Natural Resources* and *Actions by Regulatory Agencies for Protection of the Environment*, respectively.

State and Local
Approvals: There are no stream habitats to be impacted as a result of this project, therefore a California Department of Fish and Game Streambed Alteration Agreement (CDFG 1603) is not required.

Compensatory
Mitigation: Compensatory Mitigation is not required for this project, as the project is designed to be self-mitigating and the overall purpose of the project is to create, restore and/or enhance wetland habitat. Impacts resulting from the fill of the 0.029 acres of wetland will serve to reestablish a more natural drainage pattern on the site, thereby enhancing the existing wetland hydrology and contributing to the overall success of the constructed wetlands.

Noncompensatory
Mitigation: Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) for sediment and erosion control, to include silt fences and straw wattle installation to keep sediment from entering the neighboring Wright Preservation Bank, and conducting work during the low-flow or dry period. Upon completion of wetland construction, the entire upland site will be covered with mulch salvaged from the project site and silt fences

California Environmental Protection Agency

and/or hay bales to prevent off-site soil movement, and the entire site will be seeded. The primary sources of seed will be the vernal pools and swales from no more than 20 percent of the surface area of the Wright Preservation Bank source wetland.

Standard Conditions:

Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

- 1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and 23 CCR 3867.
- 2) This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- 3) The validity of any non-denial certification action (actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR 3833, unless otherwise stated in writing by the certifying agency.

Additional Conditions:

Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

- 1) The Regional Water Board shall be notified in writing at least five business days (working days are Monday – Friday) prior to the commencement of work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.
- 2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess

material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

- 3) BMPs for erosion, sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters. Native seeding will be done on all exposed areas post construction to reduce future potential erosion concerns.
- 10) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.
- 11) Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel shall be restored to as near their original condition as possible.
- 12) If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.
- 13) Yearly monitoring reports for the wetland habitat constructed on the Site shall be provided to the Regional Water Board, to the attention of staff member Andrew Jensen, on or before December 31st of each year, for a total of five years. Reports shall include photo documentation of the mitigation area. After five years have passed, the Site will be evaluated for proper functionality and habitat value, and a decision will be made whether additional measures are necessary to insure that no net loss of wetland habitat occurs.
- 14) Reports shall be prepared by a professional consultant with in-depth experience in wetland ecosystem creation and function, as well as wetland monitoring techniques. Reports shall be submitted to the attention of staff member Andrew Jensen.
- 15) If flowing or standing water is present onsite at the time of construction, all areas of the work site to be disturbed shall be dewatered through the installation of sandbag and/or gravel cofferdams, and a by-pass pipe sufficient to handle

any discernable flow changes, above and below the project reach. Installation of cofferdams and the by-pass pipe shall be performed in a manner that will minimize aquatic impact within the dewatered area.

- 16) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.
- 17) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

Water Quality
Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that any authorized discharge from the Slippery Rock Wetland Mitigation Bank Project, WDID No. 1B04122WNSO, will comply with the applicable provisions of Sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)], and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have

Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (enclosed).

Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 15, 2010, unless new information warrants revision of this determination before the expiration date. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify Andrew Jensen of our staff at (707) 576-2683 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification ____

cc: U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street, San Francisco, CA 94105

Mr. Laurence P. Stromberg, Wetlands Consultant, 59 Jewell Street, San Rafael, CA 94901